

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN BILL GLASER**, on February 2, 2001 at 3:00 A.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bill Glaser, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Edward Butcher (R)
Sen. Jon Ellingson (D)
Sen. Jim Elliott (D)
Sen. Alvin Ellis Jr. (R)
Sen. Sam Kitzenberg (R)
Sen. Don Ryan (D)
Sen. Debbie Shea (D)
Sen. Mike Sprague (R)
Sen. Mignon Waterman (D)

Members Excused: Sen. Dale Berry (R)
Sen. John Cobb (R)

Members Absent: None.

Staff Present: Linda Ashworth, Committee Secretary
Eddy McClure, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 110, 1/23/2001
Executive Action: SB 193; SB 139

HEARING ON SB 110

Sponsor: SEN. ALVIN ELLIS, SD 12, Red Lodge

Proponents: Pat Mischel, Self, Glendive

Opponents: **Lance Melton, Montana School Boards Association**
 Lynda Brannon, Montana Association of School
 Business Officials
 Dave Puyear, Montana Rural Education Association
 Robert Throssell, Montana Association of Clerk and
 Recorders
 Shelley Vance, Gallatin County Clerk and Recorder
 Eric Feaver, Montana Education Association/Montana
 Federation of Teachers
 Joe Lamson, Office of Public Instruction
 Susan Haverfield, Flathead County Clerk and
 Recorder

Opening Statement by Sponsor:

SEN. ALVIN ELLIS opened on SB 110. He stated the bill would revise election dates by establishing the Tuesday before Memorial Day in May as the regular school election, trustee election and state primary election date. The bill would also authorize the use of mail ballots for certain special levies, provide for the conduct of school elections by the County Election Administrators and adjust certain meeting and notification dates.

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Proponents' Testimony:

Pat Mischel, representing himself, rose in support of SB 110. **Mr. Mischel** submitted written testimony, **EXHIBIT(eds27a01)**. He also provided additional information, **EXHIBIT(eds27a02)**.

{Tape : 1; Side : A; Approx. Time Counter : 8- 10}

Opponents' Testimony:

Lance Melton, Montana School Boards Association, stated opposition to SB 110. **Mr. Melton** submitted written testimony, **EXHIBIT(eds27a03)**.

Lynda Brannon, Montana Association of School Business Officials, provided testimony in opposition of SB 110. **Ms. Brannon** submitted written testimony, **EXHIBIT(eds27a04)**.

Dave Puyear, Montana Rural Education Committee, echoed opposition to SB 110. **Mr. Puyear's** concerns centered around the issue of local control. He affirmed that small schools need to have their own direction in setting school elections. **Mr. Puyear** also

raised concerns about teacher renewal dates which would have a negative effect in local districts.

Robert Throssell, Montana Association of Clerk and Recorders, opposed SB 110. He contended this bill would create technical problems when organizing elections. One major problem would be the differences in boundaries which are predetermined by legislative precincts. **Mr. Throssell** reminded the committee that moving election dates would move preliminary elections dates also.

Shelley Vance, Gallatin County Clerk and Recorder, stated opposition for SB 110. **Ms. Vance** submitted written testimony, **EXHIBIT**(eds27a05).

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{Tape : 1; Side : B; Approx. Time Counter : 0 - 3}

Eric Feaver, Montana Education Association/Montana Federation of Teachers, rendered opposition to SB 110 and urged a do not pass.

Joe Lamson, Office of Public Instruction, stated opposition for SB 110. **Mr. Lamson** charged that the proposition is not as simple as it appears. Very little money is spent on school elections. If the school elections are moved to the primary election date school issues would have to compete with political candidates for news coverage.

Susan Haverfield, Flathead County Clerk and Recorder, asserted her opposition to SB 110, indicating the need for amendments to the bill.

{Tape : 1; Side : B; Approx. Time Counter : 3 - 6}

Questions from Committee Members and Responses:

SEN. JOHN BOHLINGER asked the sponsor to address some of the problems brought forth by the opponents. **SEN. ELLIS** maintained that more people would vote if school elections were held on primary election day.

SEN. BOLLINGER questioned the morale problem that would be created among educators that were terminated because of an earlier renewal date. **SEN. ELLIS** responded that the superintendents that he talked to indicated support for an earlier renewal date.

SEN. ED BUTCHER theorized that an earlier termination date would give a teacher more time to search for another job. **Dave Puyear** clarified that renewal dates are now set for May 1st. **Mr. Puyear** disagreed with **SEN. BUTCHER** arguing that morale would be a major problem.

SEN. BUTCHER asked for clarification on the number of days a tenured teacher receives in order to grieve the termination process. **Mr. Puyear** reminded the committee that the law has changed and asked that the question be redirected to **Loran Frazier**. **Mr. Frazier** explained the difference in tenure and non-tenure termination dates. He also stated that the dates can differ among school districts due to the language in each district's negotiated contract and that agreement would take priority over the state statute.

SEN. BUTCHER wondered if school bond levies are now held in April. **Mr. Frazier** clarified that bond elections can be held at any time but trustee and mill levy elections are held the first Tuesday following the first Monday in May.

SEN. BUTCHER contended the bill would move the primary election back to the school election. **SEN. ELLIS** stated that this bill would move the primary election ahead two weeks to the Tuesday before Memorial Day and would move the school election back two to three weeks depending on where Memorial Day falls in May. The bill would join the two in an intermediate date.

SEN. BUTCHER stated his confusion with the issue questioning why the termination date would be earlier if the mill levy is already the first part of May and would be moved closer to June. **SEN. ELLIS** clarified that teachers must be notified before June 1st and a tenured teacher must be given ten days to request a hearing. He reported that the only reason for terminating a tenured teacher would be for just cause which would include reduction in force.

Informational Testimony:

Elaine Gravely, Deputy Secretary of State for Elections, stated the bill does not directly affect her office, however, it does impact the election administrators of each county. The basic concept of the bill is good. This bill would work well for the voters by having fewer elections each year and would be a cost savings for each county and school district. The major concern would be working within school boundaries and precinct lines that do not match.

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Closing by Sponsor:

SEN. ELLIS closed on SB 110. He stated that he would not have a problem with amendments that would address the reapportionment issues raised by the opponents. **SEN. ELLIS** indicated he had not thought about the issue of competition for media time. He hypothesized schools would benefit because more people would vote. **SEN. ELLIS** ascertained that this issue serves local control because more voters would decide the outcome of the election.

{Tape : 1; Side : B; Approx. Time Counter : 26 - 32}

EXECUTIVE ACTION ON SB 193

Motion: **SEN. BOHLINGER** moved that **SB 193 DO PASS.**

Discussion:

SEN. MIGNON WATERMAN presented information regarding a committee bill to replace SB 193, **EXHIBIT(eds27a06)**. She asserted that **SEN. COBB'S** bill removes the advisory council. She stated her concern that technical education is important in this state and that K-12 and post-secondary education need to work together. Reinserting the advisory council would ensure this cooperation.

SEN. SPRAGUE asked for an explanation on how the committee bill would be different from SB 193.

SEN. WATERMAN clarified the differences between the committee bill and SB 193. She recommended spending a minimum of time on this issue suggesting the committee pass the bill as it stands or draft a committee bill.

SEN. ELLIS contended that even though the testimony was not all that fractured, he supported **SEN. WATERMAN'S** suggestion for a committee bill.

SEN. BUTCHER supported **SEN. WATERMAN'S** proposal for a committee bill indicating concern that the monies involved in the Perkins Grant could get absorbed into the infrastructure of the Commission of Higher Education and the Office of Public Instruction. He speculated that bringing these two groups together, under the advisory board concept, would benefit students at all levels of vocational and technical training.

SEN. BOHLINGER withdrew the motion on SB 193.

Motion: SEN. WATERMAN moved that (LC 8888), EXHIBIT (6), be drafted as a committee bill.

Discussion:

SEN. WATERMAN expounded on changes to be made to the bill. The changes will be included in the final draft.

SEN. ELLIS wondered if the new bill would have an immediate hearing. CHAIRMAN GLASER reported that the bill would go through first reading and would then be assigned back to the committee.

Vote: SEN. WATERMAN'S motion that LC 8888 be drafted as a committee bill passed unanimously.

Motion/Vote: SEN. COBB moved that SB 193 BE TABLED. Motion carried 12-2 with Cobb and Elliott voting no.

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EXECUTIVE ACTION ON SB 139

Motion/Vote: SEN. WELLS moved that SB 139 BE AMENDED, (SB013901). Motion carried with Ellingson voting no.

Motion: SEN. WELLS moved that SB 139 DO PASS AS AMENDED.

Discussion:

SEN. WELLS addressed the issue of cost and the inadequacy of library filters, stating that the bill does not demand that a library must use a filter to limit access to the internet. The bill would encourage libraries to limit internet access to minors through improved policies.

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SEN. WATERMAN stated that SEN. ELLINGSON had left a proxy for a no vote on the motion to amend SB 139.

SEN. BOHLINGER commended SEN. WELLS on his dedication to SB 139. SEN. BOLLINGER read a letter from Mr. Bill Cocoran, librarian from the Parmly Billings Library. Mr. Cocoran asked that SB 139 be defeated because it limits free speech and would add to the costs of maintaining a library.

SEN. JIM ELLIOT reminded the committee that 78 of 79 libraries already have policies in place. He pointed out that libraries are capable of setting their own library standards and that it is not up to the government to tell people how to raise their children.

SEN. BUTCHER agreed with **SEN. ELLIOT** suggesting the committee lay out guidelines for the American Library Association. He reiterated that the bill would give the state authority and permission, at the local level, for libraries to set the policy instead of the American Library Association.

SEN. ELLIOT pointed out that conservative families are also opposed to this bill.

Vote: Motion failed 6-6 with Berry, Butcher, Ellis, Glaser, Sprague, and Wells voting aye.

The vote was held open for twenty four hours in order to obtain votes from **SEN. DON RYAN** and **SEN. DEBBIE SHEA**.

SEN. WELLS' motion that SB 139 DO PASS AS AMENDED failed 6-8 with Berry, Butcher, Ellis, Glaser, Sprague, and Wells voting aye.

{Tape : 2; Side : B; Approx. Time Counter : 0 - 10}

SUBCOMMITTEE REPORT ON SB 111

SEN. ELLIS gave a brief report on SB 111 and the proposed amendments. **SEN. ELLIS** reported on the change concerning the section of the bill that states that one of the pre-considerations of making application would be that it would not take more than 10% of the district's property. That section was removed and he suggested reentering it at 25%.

{Tape : 2; Side : B; Approx. Time Counter : 10 - 15}

ADJOURNMENT

Adjournment: 5:00 P.M.

SEN. BILL GLASER, Chairman

LINDA ASHWORTH, Secretary

BG/LA

EXHIBIT (eds27aad)